

**10-8-58.5 Contracting for management, maintenance, operation, or construction of jails.**

- (1)
  - (a) The governing body of a city or town may contract with private contractors for management, maintenance, operation, and construction of city jails.
  - (b) The governing body may include a provision in the contract that requires that any jail facility meet any federal, state, or local standards for the construction of jails.
- (2) If the governing body contracts only for the management, maintenance, or operation of a jail, the governing body shall include provisions in the contract that:
  - (a) require the private contractor to post a performance bond in the amount set by the governing body;
  - (b) establish training standards that shall be met by jail personnel;
  - (c) require the private contractor to provide and fund training for jail personnel so that the personnel meet the standards established in the contract and any other federal, state, or local standards for the operation of jails and the treatment of jail prisoners;
  - (d) require the private contractor to indemnify the city or town for errors, omissions, defalcations, and other activities committed by the private contractor that result in liability to the city or town;
  - (e) require the private contractor to show evidence of liability insurance protecting the city or town and its officers, employees, and agents from liability arising from the construction, operation, or maintenance of the jail, in an amount not less than those specified in Title 63G, Chapter 7, Governmental Immunity Act of Utah;
  - (f) require the private contractor to:
    - (i) receive all prisoners committed to the jail by competent authority; and
    - (ii) provide them with necessary food, clothing, and bedding in the manner prescribed by the governing body; and
  - (g) prohibit the use of inmates by the private contractor for private business purposes of any kind.
- (3) A contractual provision requiring the private contractor to maintain liability insurance in an amount not less than the liability limits established by Title 63G, Chapter 7, Governmental Immunity Act of Utah, may not be construed as waiving the limitation on damages recoverable from a governmental entity or its employees established by that chapter.

Amended by Chapter 378, 2010 General Session